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FRANK CHAU , ESQ.
F.CHAU & ASSOCIATES , LLP
1900 HEMPSTEAD TURNPIKE
SUITE 501
EAST MEADOW, NY 11554

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OFFICE OF PETITIONS

In re Application of	:
Stouffer, et al.	:DECISION DISMISSING
Application No. 10/085,791	:PETITION UNDER § 1.48(a)
Filed: February 28, 2002	:
Attorney Docket No. 111483.1060C1	:

This is in response to the "Amendment And Petition To Delete An Erroneously Named Inventor In An Application Under 37 CFR 1.48(a)," filed April 5, 2004.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.48(a)."

The above-identified application was filed on February 28, 2002. Peter Stouffer, David Rupert, David Showalter, Michael Schroeder, Richard Graham, Mark Cohrs, Ralph Girardin, Joseph Allio, Michael Foy, Steven Schroeder, Anthony Whitehead, Gregg Gagnon, Mark LaPointe and Valeriy Bodrov were named as joint inventors. On August 27, 2002, the Office of Initial Patent Examination mailed "Notice to File Missing Parts of Nonprovisional Application (Notice)", that states the signature of inventor Mark LaPointe was missing from the oath or declaration. On April 5, 2004, the instant request under 37 CFR 1.48(a) was filed to correct the inventorship and delete joint inventor, Mark LaPointe.

37 CFR 1.48(a) requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

The instant petition does not satisfy requirements (4) and (5) above.

As to item (4):

The required processing fee set forth in § 1.17(i) has not been submitted.

As to Item (5):

The written consent of the existing assignee of the original named inventors has not been submitted.

Accordingly, the petition must be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 Box 1450
 Alexandria, VA 22313

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: Customer Service Window
2011 South Clark Place
Crystal Plaza Two (left side entrance of building)
Arlington, VA

Telephone inquiries should be directed to the undersigned at
(703) 306-9200.

A handwritten signature in dark ink, appearing to read 'E. J. Tannouse', followed by a long horizontal line extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office